

FILED IN THE
UNITED STATES
BANKRUPTCY COURT
DISTRICT OF UTAH

JUN 17 10 04 AM '03

WILLIAM D. RYAN, CLERK
CLERK OF COURT

BY _____
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IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION

In re:

SIMON TRANSPORTATION
SERVICES, INC.; DICK SIMON
TRUCKING, INC.; AND SIMON
TERMINAL, LLC,

Debtors.

FREIGHTLINER LLC AND
FREIGHTLINER MARKET
DEVELOPMENT CORPORATION,

Plaintiffs,

vs.

OFFICIAL COMMITTEE OF
UNSECURED CREDITORS.

Defendant.

Bankruptcy Case No. 02-22906
Bankruptcy Case No. 02-22907
Bankruptcy Case No. 02-24874
(Jointly Administered)

FREIGHTLINER'S MOTION FOR
PRELIMINARY INJUNCTION

Judge Glen E. Clark

Adv. No. _____

03 P - 2251 GEC



Pursuant to Rule 7065 of the Federal Rules of Bankruptcy Procedure and Rule 65 of the Federal Rules of Civil Procedure, plaintiff Freightliner LLC, (f/k/a Freightliner Corporation) and Freightliner Market Development Corporation (together, "Freightliner Companies") respectfully moves this Court for a Preliminary Injunction enjoining the Official Committee of Unsecured Creditors (the "Committee") from disbursing the proceeds of the June 20, 2003 Auction of Trade-back Agreements and to direct the Committee to place the funds into an interest-bearing escrow account, pending final resolution of Freightliner's and Central's appeals.

Freightliner's Motion for Preliminary Injunction is supported by its Memorandum in Support of Motion for Preliminary Injunction and by Freightliner's Complaint for Declaratory and Injunctive Relief, filed contemporaneously herewith.

Respectfully submitted this 17th day of June 2003.

A handwritten signature in black ink, appearing to read "J. Beckett", written over a horizontal line.

J. THOMAS BECKETT
DIANNA M. GIBSON
PARSONS BEHLE & LATIMER
Attorneys for the Freightliner Companies

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June 2003, I caused to be hand delivered a true and correct copy of the foregoing **FREIGHTLINER'S MOTION FOR PRELIMINARY INJUNCTION** to:

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A handwritten signature in black ink, appearing to be 'L. Crandall', written over a horizontal line.